

FY 2023
PUBLIC BUDGET HEARING
JUDICIAL BRANCH

NOVEMBER 9, 2021



FY 2023 Operating Budget

- To the Governor, Budget Director, and the General Assembly, the Judicial Branch is grateful for your leadership during the COVID-19 pandemic.
- The Judicial Branch continues to heed advice from public health experts and put public safety first.
- We appreciate the support the Judiciary has received to help us address unexpected expenses caused by the pandemic.



Judicial Initiatives

E-Filing, Case Management and Document Management

- To modernize our E-Filing across all courts and case types and unify case management and document management.
- The Evaluation Committee has selected a vendor and we are currently in negotiations.
- We have received ARPA funds to cover one-time implementation costs.
- Besides other benefits, such as eliminating our reliance on custom-built applications and older technology, the e-Filing solution will:
 - ✓ Reduce foot traffic within the courthouses due to remote data access and expanded e-Filing;
 - ✓ Improve public access solutions with opportunities for remote access of individual and bulk accounts;
 - ✓ Support remote work solutions for state courts currently dependent on paper files.

Judicial Initiatives

Custom House

- \$15 million was appropriated in FY 2022 for planning and design.
- Requesting \$24 million to begin renovation and construction in FY 2023.
- Upon completion, it is planned that offices for the Supreme Court, Arms of the Court, and the Administrative Office of the Courts will be housed here.
- The Custom House would also house administrative offices and a resource center for the Community Court program.
- Renovating the Custom House will result in significant lease savings, which are primarily paid with Judicial Branch special funds.

Projected Funding Needs:

- FY 2023: \$24.0 million
- FY 2024: \$9.0 million



Family Court Facilities

Projected Funding Needs to Complete Facilities in FY 2024

- FY 2023: \$80.0 million
- FY 2024: \$23.0 million
- Cost projections assume a completion date in Sussex County in March 2024, and December 2024 for Kent County.



50th Anniversary of Delaware Family Court

September 7, 2021



Budget Overview

FY 2022 GF Operating Budget:	\$103,542,700
FY 2022 Personnel Contingency:	\$2,038,400
FY 2023 Requested Door Openers:	\$324,200
FY 2023 Requested Judicial Enhancements:	\$1,834,500
FY 2023 Requested GF Budget:	\$107,739,800

FY 2023 Door Openers



- **\$240,800 GF and \$10,800 ASF for FY 22 Position Annualizations**
 - ✓ Court of Common Pleas (CCP) received 10-months funding for a Commissioner and support staff.
 - ✓ The Office of the Child Advocate received 3-months funding for federal grant positions that expire in March 2022.
 - ✓ This request would fund the remaining months for these positions.

FY 2023 Door Openers

- \$61,700 for Superior Court leased space in Sussex County
 - ✓ Superior Court entered into a five-year lease agreement as a result of the demolition of the SABO building in Sussex County for the new Family Court facility.
- \$21,700 for Justice of the Peace Court (JP Court) lease escalators
 - ✓ JP Court has four leased locations with annual escalators that increase between 2-3 percent annually.



FY 2023 Door Openers

➤ \$43,000 ASF for the Office of the Public Guardian (OPG)

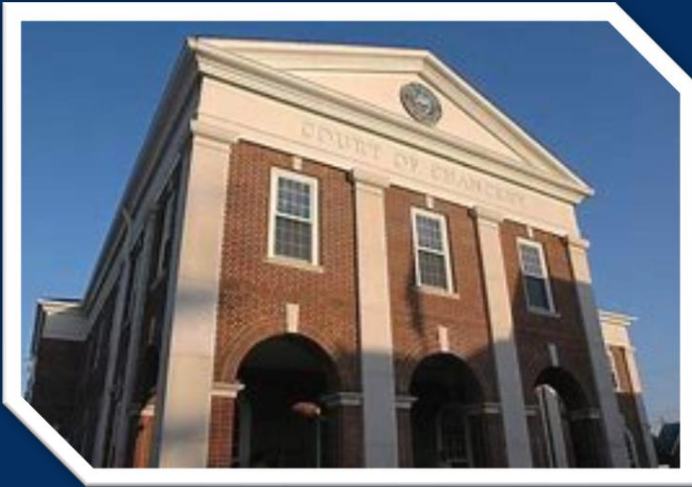
- ✓ Senate Bill 85, passed by the 151st General Assembly, allows the Office of the Public Guardian to collect fees from persons under their jurisdiction.
- ✓ These fees will be put into a special fund and expended by OPG to support operations.

FY 2023 Operating Requests

➤ Diversity, Equity, and Inclusion (DEI) Officer

- ✓ The Judicial Branch has embarked on the Delaware Bench and Bar Diversity Project, to address diversity issues in the Delaware legal community.
- ✓ The Steering Committee will present a strategic plan to the Supreme Court by the end of the year, which will serve as a national model that other states can use to address diversity challenges in the legal community.
- ✓ The DEI Officer will assist with the implementation of recommendations through the diversity project, and will also focus on internal branch-wide workforce development initiatives in support of our commitment to equal employment opportunities and equity within the branch.

FY 2023 Operating Requests



➤ Master and Support Staff for the Court of Chancery

- ✓ The Court of Chancery requests a Master in Chancery, a Secretary, and Law Clerk to address the increased volume and complexity of civil actions and guardianship cases.
- ✓ The number of hours that the Vice Chancellors, Masters, Law Clerks, and other staff are working in a typical workweek is excessive and poses a threat to the Court of Chancery and its role in attracting businesses to Delaware.
- ✓ The new Master would allow the Chancellor to better leverage all three Masters to support the Constitutional Judges.

FY 2023 Operating Requests

➤ Law Clerks for Supreme Court, Court of Chancery and Superior Court

- ✓ Law clerks are a cost-effective way for courts to handle more volume without appointing more judicial officers. They support judicial officers by reviewing pleadings, conducting legal research, drafting preliminary opinions, and actively participating in trials, motions, hearings, and other proceedings.
- ✓ The Supreme Court requests 5.0 Law Clerks for each Supreme Court Justice.
 - Each Justice currently has one law clerk each, with the Chief Justice having two.
 - Comparatively, the Pennsylvania Supreme Court Justices are assigned 6 law clerks each and New Jersey's Supreme Court Justices have 3 law clerks each. In Maryland's Court of Appeals, each of the 7 members has at least 2, and as many as 4 law clerks.
 - The number and complexity of appeals has increased, but Supreme Court personnel positions remain at FY 1995 levels.

FY 2023 Operating Requests

➤ Law Clerks (continued)

- ✓ The Court of Chancery requests 2.0 Law Clerks for the current Masters in Chancery.
 - The Court of Chancery has been handling an increasing number of expedited cases, pretrial matters, and guardianship cases.
 - Expedited cases are extremely time sensitive and take priority over other matters.

- ✓ Superior Court requests 1.0 Law Clerk for the Complex Commercial Litigation Division (CCLD).
 - Similar to the Court of Chancery, the CCLD handles specialized business disputes that, due to their sophistication, require more motion practice, hearing preparation, research, and written decisions.
 - The CCLD currently does not have a full-time law clerk.

FY 2023 Operating Requests

➤ Other Critical Requests:

- ✓ 3.0 Administrative Specialists for CCP Commissioners
 - Commissioners are not provided administrative support, and this would be consistent with the structure of the other courts.
- ✓ 1.0 Community Court Coordinator
 - This position is currently funded through a federal grant, however funding is not guaranteed and has been steadily decreasing.
 - The Community Court Coordinator manages the daily operations of the Community Court and assists in the development and implementation of services, activities, and events for justice-involved individuals.

FY 2023 Operating Requests

➤ Other Critical Requests (continued):

- ✓ 1.0 JP Court Staff Attorney
 - JP Court currently only has one staff attorney who is responsible for judicial education, policy directives, litigation support, labor and employment issues, legislative drafting and review, and support for judges.
- ✓ 1.0 Deputy and 1.0 MDT Coordinator for the Office of Investigation Coordinator (IC) within the Office of the Child Advocate
 - The IC monitors and assures a multidisciplinary response to every serious child abuse case in Delaware. The IC cannot keep up with the volume of cases, as there are currently 900 open cases of child sexual abuse, juvenile trafficking, child abuse deaths, and serious injuries.

FY 2023 Operating Requests

➤ Other Critical Requests (continued):

- ✓ Family Court Personnel Switch-Fund From ASF
 - Due to fiscal constraints in FY17, several positions and operating costs were switch funded from GF to ASF. These changes are not sustainable for future fiscal years and are expected to deplete Family Court's ASF account by the first quarter of FY26.
- ✓ Board of Canvass (One-Time)
 - Required by Delaware Code to cover expenses related to Superior Court's role in certifying elections.
 - Costs have increased due to the complexities of the new voting machines and continued enhancements of the Department of Elections.
 - Funding is used for casual/seasonal assistance and training.

Still in Need of Support

➤ Leonard L. Williams Justice Center

- ✓ The LLWJC, which opened in 2002, is approximately 20 years old and is in dire need of improvements to keep the building functional and operational.
- ✓ Critical improvements total over \$27 million and include the following:
 - Replacement of detention bathroom facilities (sections of cells are shut down for plumbing issues);
 - Roof replacement;
 - Water pump replacements;
 - Lighting controls upgrade;
 - Anchorage for window cleaning;
 - Building Automation System replacement;
 - Weather-proofing the outside of the building to prevent leakage;
 - Generator replacement.
- ✓ We urge the Executive Branch to include a significant appropriation for state building maintenance in the FY 2023 Bond Bill.

Still in Need of Support

➤ Civil Indigent Services

- ✓ These funds support Community Legal Aid Society, Inc. (CLASI), Delaware Volunteer Legal Services (DVLS), and Legal Services Corporation of Delaware (LSCD)
- ✓ These funds are held in OMB's Contingencies and One-Time funds.
- ✓ Civil Indigent Services has been included in the operating budget since FY 2006. Below is a history of their funding :
 - FY 2013 – FY 2017: \$600,000
 - FY 2018: eliminated with epilogue language to be funded at \$540,000 from Judicial funds
 - FY 2019 – FY 2021: \$540,000
 - FY 2022: \$600,000
- ✓ The Judicial Branch requests an appropriation of \$750,000 for Civil Indigent Services in FY 2023.

Thank you.



Delaware
Courts